

IN THE UNITED STATES DISTRICT COURT FOR THE
WESTERN DISTRICT OF MISSOURI
WESTERN DIVISION

UNITED STATES OF AMERICA,)	
)	
Plaintiff,)	
)	
v.)	Case No. 09-00353-10-CR-W-ODS
)	
LONNIE GOODRICH,)	
)	
Defendant.)	

REPORT AND RECOMMENDATION

This matter is currently before the Court on the following pro se pleadings filed by defendant Goodrich:

1. Judicial Notice By Affidavit of Fraud Upon the Court (doc #372);
2. Judicial Notice By Affidavit Finding of Default and Moot Opposition (doc #386);
3. Judicial Notice By Affidavit Finding of Moot (doc #388); and
4. Finding of Moot (doc #401).

For the reasons set forth below, it is recommended that these pleadings be denied.

I. INTRODUCTION

On March 3, 2010, a superseding indictment was filed against defendants Charles D. Davis, Jamar A. Johnson, Delvon M. Atkinson, Kalin Lenoir, Dwayne Guy, Craig K. Sowell, Jr., Carlos Goforth, Christopher T. Eubanks, Christopher L. Jackson, Lonnie Goodrich, Domynick D. Hubbard and Gerome D. Guy. Defendant Goodrich is the only defendant remaining for trial. Defendant Goodrich is charged in Count One of the superseding indictment. Count One charges that between January 1, 2007 and September 28, 2009, all defendants conspired with each other and others to distribute more than fifty grams of cocaine base "crack," in violation of 21 U.S.C. § 841(a)(1), (b)(1)(A) and 846.

Defendant Goodrich was examined for competency. On December 9, 2011, defendant was found competent to stand trial. Defendant was granted leave to proceed pro se on January 6, 2012.

II. DISCUSSION

The following is a list of defendant's arguments for dismissal set forth in the Judicial Notice

By Affidavit of Fraud Upon the Court (doc #372):

1. The Prosecution and Court have been served with a "Jurisdictional Challenge" and have been or failed to answer under penalty of perjury, thus lawfully establishing no jurisdiction is stated on the record.
2. Because the Prosecution has failed to establish jurisdiction on the record, the court is proceeding without jurisdiction, in clear acts of treason.
3. Defendant is making a "Special Restricted Appearance de bene esse" and refuses to submit himself to the jurisdiction of any alleged plaintiff, unless and until some judicial department prosecutor makes all disclosures, specifically by producing a complaint of damage and/or injury, signed and verified by the injured party.
4. Defendant is being denied due process of law assured by the 5th Amendment, by an administration/administrative agency fraudulently claiming to [be] an Article 3 court.
5. The "United States of America; a foreign state," is prohibited by the 11th Amendment to commence or prosecute any case and therefore looks standing as "Plaintiff."
6. Corporate employees of the "ATF" are not "Federal law enforcement officers" or "injured parties" who are "competent fact witnesses" by the "Federal Rules of Civil Procedure" Rule 17 for "Ratification of Commencement" of this Civil Action under Rule 1.
7. Alleged Defendant "Lonnie; of the Goodrich" is not the "corporate fiction" on the indictment "Lonnie Goodrich," the Prosecution has presented a "sham pleading" to the court to fraudulently institute judicial process.
8. The "Prosecutor" "Defense Attorney" "Magistrate" and "Judge" of this case are all "Agents of a foreign principal," known as the B.A.R. "(British Accredited Registry) pursuant to the "B.A.R." Association Act of 1913." None are registered with the "Secretary of State" and not lawfully authorized to engage in business in the "State of Missouri," under the "Foreign Agent Registry Act" (FARA).
9. I Lonnie Goodrich, do hereby declare that I am not a corporation, corporate fiction or any other creation of law subject to the jurisdiction of the "United States District Court." The presumption that a contract exists and Lonnie Goodrich is a "corporation" within Federal Rules of Civil Procedure Rule 52 is hereby lawfully removed.
10. Lonnie Goodrich, as a flesh and blood product of his Creator, has lawfully challenged the jurisdiction of the "United States District Court" that only has lawful jurisdiction over "corporate fictions" "dead people" and "trusts."

Lonnie Goodrich demands jurisdiction be stated on the record.

11. Lonnie Goodrich has been informed by the court appointed attorney, Katrina Y. Robertson, that the judge has ruled that the court has jurisdiction. Absent “counter-affidavit” answering the “jurisdictional challenge” under penalty of perjury, jurisdiction is not stated on the record.
12. Lonnie Goodrich has demanded termination of counsel, only to be appointed yet another incompetent “B.A.R.” attorney who is acting in “Prosecutorial Misconduct” with Prosecutor and Magistrate. Her acts are clear abuse of governmental authority and prohibited by law. Compensation for injuries will be sought.
13. Lonnie Goodrich has no contract, is not a corporate fiction, refuses all representation by a B.A.R. attorney and has lawfully challenged the jurisdiction of the magistrate and court. This court has failed in its judicial responsibilities to require the prosecutor to establish personal, subject-matter, territorial, political, etc. jurisdiction on the record.
14. Lonnie Goodrich is a sovereign citizen of the Republic of Missouri and reserves all his rights, privileges and immunities within the “Uniform Commercial Code” under UCC 1-308 formally [sic] UCC 1-207.

(Judicial Notice By Affidavit of Fraud Upon the Court (doc #372) at 2-8)

Through this Judicial Notice, defendant Goodrich seeks the following relief:

- A. Lonnie Goodrich requests an “Order” to the A.U.S.A. to state the jurisdiction of the court on the record.
- B. Should the A.U.S.A. fail to state the jurisdiction of the court on the record and must dismiss this case and “Order” Lonnie Goodrich released.
- C. Absent jurisdiction, the court has no authority to issue orders, determine merits or proceed based upon this Judicial Notice.

(Id. at 8)

In other pleadings before the Court, defendant Goodrich states that this case has already been closed by acquiescence of the prosecution and court for failing to answer defendant’s jurisdictional challenge in the allotted time. (Judicial Notice By Affidavit Finding of Default and Moot Opposition (doc #386) at 1; Judicial Notice By Affidavit Finding of Moot (doc #388) at 1; Finding of Moot (doc #401) at 1)

The major theme in defendant's filings is that the Court lacks jurisdiction.¹ However, defendant misconstrues the jurisdiction of federal district courts. Under the United States Code, district courts of the United States have original jurisdiction of all offenses against the laws of the United States. See 18 U.S.C. § 3231. Defendant Goodrich has been charged with conspiracy to distribute more than fifty grams of cocaine base "crack," in violation of 21 U.S.C. § 841(a)(1), (b)(1)(A) and 846, laws of the United States. Thus, this Court has jurisdiction over defendant Goodrich's case. Defendant's motions to dismiss for lack of jurisdiction must be denied. See United States v. Trotter, 478 F.3d 918, 920 n.2 (8th Cir. 2007)("Because Trotter was charged with an offense against the laws of the United States, the court clearly had jurisdiction and his motion to dismiss [for lack of jurisdiction] was properly denied.")

III. CONCLUSION

For the reasons set forth above, it is

RECOMMENDED that the Court, after making an independent review of the record and applicable law, enter an order denying dismissal of this criminal action as requested in defendant's pleadings (docs #372, #386, #388 and #401).

The parties are reminded they have fourteen days from the date of receipt of a copy of this Report and Recommendation within which to file and serve objections to same. A failure to file and serve objections by this date shall bar an attack on appeal of the factual findings in this Report and Recommendation which are accepted or adopted by the district judge, except on the grounds of plain error or manifest injustice.

/s/ Sarah W. Hays
SARAH W. HAYS
UNITED STATES MAGISTRATE JUDGE

¹To the extent that defendant's pleadings contain references to any other arguments, the Court finds these additional arguments frivolous.